

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

3 UNITED STATES OF AMERICA, )  
4 Plaintiff, ) 8:21CR193  
5 vs. )  
6 JAMAL D. HOLDMAN, ) November 29, 2022  
7 Defendant. )

TRANSCRIPT OF VIDEOCONFERENCE PROCEEDINGS  
BEFORE THE HONORABLE MICHAEL D. NELSON  
UNITED STATES MAGISTRATE JUDGE

A-P-P-E-A-R-A-N-C-E-S

13 FOR THE PLAINTIFF: Mr. Christopher L. Ferretti  
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17 FOR THE DEFENDANT: Mr. Michael J. Hansen  
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24 Proceedings recorded by electronic sound recording, transcript produced with computer.

1 (At 10:51 a.m. on November 29, 2022, with counsel for the  
2 parties and the defendant present via videoconference, the  
3 following proceedings were had:)

4 THE COURT: Good morning. We are on the record in  
5 the matter of United States of America versus Jamal D. Holdman.  
6 The case number is 8:21CR193.

7 Counsel for the government, please enter your appearance.

8 MR. FERRETTI: Good morning, Your Honor. Christopher  
9 Ferretti appearing on behalf of the United States.

10 THE COURT: On behalf of the defendant.

11 MR. HANSEN: Michael Hansen for Mr. Holdman, Your  
12 Honor.

13 THE COURT: We are proceeding by videoconference  
14 today pursuant to the Federal Rules of Criminal Procedure, the  
15 Coronavirus Aid, Relief, and Economic Security Act, our general  
16 order at 2020-07 and subsequent general orders extending the  
17 time frame, and the order entered in this case at filing  
18 number 63.

19 Mr. Hansen, you have consulted with the defendant with  
20 regard to proceeding by videoconference today?

21 MR. HANSEN: Yes, Your Honor.

22 THE COURT: And Mr. Holdman, do you consent to  
23 proceed by videoconference?

24 THE DEFENDANT: Yes.

25 THE COURT: I --

1 THE DEFENDANT: [Unintelligible]

2 THE COURT: -- find that the defendant's consent is  
3 both knowingly and voluntarily made.

4 Sir, you have submitted a petition requesting leave to  
5 withdraw your previous not guilty plea and to enter a guilty  
6 plea to the charges set forth in Counts 1 and 7 of the  
7 indictment. Before we proceed, I must determine whether you  
8 consent to proceed before me as a magistrate judge. You do  
9 have a right to a change of plea hearing before a district  
10 judge. Do you understand that right?

11 THE DEFENDANT: Yes, Your Honor.

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Do you consent to proceed before me as  
19 magistrate judge?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: And is it true that you wish to enter a  
22 guilty plea today?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: I will be asking you some questions about  
25 your change of plea and the facts related to these charges.

1 Before I can do that, I'm going to need to place you under  
2 oath. Would you please stand up and raise your right hand.

3 (Defendant sworn.)

4 THE COURT: You may be seated.

5 Sir, do you understand that you're now under oath at this  
6 hearing?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Do you understand that your answers must  
9 be truthful?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Do you understand that these answers  
12 could be used against you if you're later charged with perjury  
13 or making a false statement?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: There are two purposes for this hearing.

16 First, we must be sure that you understand the  
17 consequences of a guilty plea, that is, what may happen to you  
18 as a result of your pleading guilty to these charges.

19 Second, your guilty plea m- -- plea -- second, your guilty  
20 plea must be done freely, voluntarily, and without any threat  
21 or force. Do you understand?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: If you do not understand any questions or  
24 words spoken today, please ask me or your attorney to explain  
25 them. You may consult with your attorney at any time during

1       this hearing. If necessary we will recess the hearing to give  
2       you enough time to speak privately with him. Do you  
3       understand?

4                   THE DEFENDANT: Yes, Your Honor.

5                   THE COURT: What is your full name?

6                   THE DEFENDANT: Jamal D. Holdman.

7                   THE COURT: Are you, in fact, the defendant named in  
8       the indictment?

9                   THE DEFENDANT: Yes, Your Honor.

10                  THE COURT: How old are you?

11                  THE DEFENDANT: Twenty-six.

12                  THE COURT: Where were you born?

13                  THE DEFENDANT: Inglewood, California.

14                  THE COURT: Where in California?

15                  THE DEFENDANT: Inglewood, California.

16                  THE COURT: Inglewood, California. What's the  
17       highest --

18                  THE DEFENDANT: [Unintelligible]

19                  [Overlapping speakers]

20                  THE COURT: -- level of education that you've  
21       completed?

22                  THE DEFENDANT: High school.

23                  THE COURT: Have you ever been treated for mental  
24       illness?

25                  THE DEFENDANT: No, Your Honor.

1                   THE COURT: Have you ever been treated for addiction  
2 to alcohol or drugs?

3                   THE DEFENDANT: No, Your Honor.

4                   THE COURT: Have you consumed or are you under the  
5 influence of any alcohol or drugs today?

6                   THE DEFENDANT: No, Your Honor.

7                   THE COURT: Are you taking any medications?

8                   THE DEFENDANT: No, Your Honor.

9                   THE COURT: Are there any medications that you're  
10 supposed to be taking but you're not taking?

11                  THE DEFENDANT: No, Your Honor.

12                  THE COURT: Is there anything that I've not mentioned  
13 that may be affecting your ability to think clearly or to make  
14 sound decisions today?

15                  THE DEFENDANT: No, Your Honor.

16                  THE COURT: The Court has observed the -- the  
17 demeanor and conduct of the defendant and now finds that he is  
18 competent to proceed with this hearing.

19                  Sir, you have previously received a copy of the indictment  
20 in this case; correct?

21                  THE DEFENDANT: Yes, Your Honor.

22                  THE COURT: Have you read it, and do you understand  
23 the charges against you?

24                  THE DEFENDANT: Yes, Your Honor.

25                  THE COURT: Have you discussed with Mr. Hansen the

1 nature of the crimes charged against you in the indictment?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: In your Petition to Enter a Plea of  
4 Guilty, you're asking to plead guilty to the charges set forth  
5 in Counts 1 and 7 of the indictment.

6 Count 1 charges a violation of Title 21, United States  
7 Code, Section 846. The charge in Count 7 charges a violation  
8 of Title 18, United States Code, Section 924(c)(1)(A). You  
9 further admit paragraphs 4(a) through (e) and 4(g) of the  
10 forfeiture allegation, and you agree that the specific property  
11 described in those paragraphs is subject to criminal  
12 forfeiture. Is that what you intend to do, sir?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: If there --

15 THE DEFENDANT: I do have a question.

16 THE COURT: Yes.

17 THE DEFENDANT: Wasn't -- wasn't I signing for Counts  
18 1 through 6 and 7?

19 THE COURT: You're pleading under -- under the plea  
20 agreement and the -- and the petition, you're agreeing to plead  
21 guilty to the Counts 1 and 7. Counts 2 through 6 the parties  
22 have agreed will be dismissed at sentencing.

23 THE DEFENDANT: Okay, okay.

24 THE COURT: Does that answer your question?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: If there was a trial on this matter, the  
2 government would be required to prove to a jury each element of  
3 each of the charges beyond a reasonable doubt. The elements  
4 for Count 1 are:

5 First, that two or more persons reached an agreement or  
6 came to an understanding to distribute or possess with intent  
7 to distribute the controlled substance identified in the  
8 indictment.

9           Second, that you voluntarily and intentionally joined in  
10      the agreement or understanding either at the time it was first  
11      reached or at some later time while it was still in effect.

12                   And third, that at the time that you joined the agreement  
13 or understanding, you knew the purpose of the agreement or  
14 understanding.

15 With regard to Count 7:

16                   First, that you committed the elements of a drug  
17                   trafficking -- of a drug trafficking crime prosecutable in  
18                   federal court, and it's alleged in the indictment that that  
19                   relates back to the conspiracy in Count 1.

20 Second, that you knowingly possessed a firearm.

21 And third, that the possession of the firearm was in  
22 furtherance of a drug trafficking crime.

23 For purposes of both crimes, it's alleged by the  
24 government for purposes of venue that the offenses occurred in  
25 the District of Nebraska.

1                   Mr. Ferretti, did I properly set forth the elements of  
2                   Count 1 and 7?

3                   MR. FERRETTI: Yes, Your Honor.

4                   THE COURT: Mr. Hansen, do you agree?

5                   MR. HANSEN: Yes, Your Honor.

6                   THE COURT: Sir, do you have any questions about the  
7                   nature of the charges filed against you or what the government  
8                   would have to prove in order to convict you of these two  
9                   charges?

10                  THE DEFENDANT: No, Your Honor.

11                  THE COURT: Have you discussed the facts of this case  
12                  and the evidence the government has against you with  
13                  Mr. Hansen?

14                  THE DEFENDANT: Yes, Your Honor.

15                  THE COURT: Have you discussed any and all defenses  
16                  that you think you may have to this -- these charges with  
17                  Mr. Hansen?

18                  THE DEFENDANT: Yes, Your Honor.

19                  THE COURT: And are you fully satisfied with the  
20                  representation that Mr. Hansen has provided to you and the  
21                  advice that he's given to you in this case?

22                  THE DEFENDANT: Yes, Your Honor.

23                  THE COURT: The law under which you are charged does  
24                  provide certain penalties that can be imposed upon conviction.  
25                  These penalties are as follows:

1           With regard to Count 1, the drug count, you can receive a  
2 maximum term of imprisonment of 20 years, a fine of -- of not  
3 more than \$1 million or both such imprisonment and a fine, a  
4 supervised release term of not less than five -- a supervised  
5 release term of not less than five years and up to life in --  
6 in addition to any term of imprisonment, a special assessment  
7 of \$100.

8           With regard to Count 7 --

9           MR. HANSEN: Judge, may I interrupt?

10           THE COURT: Yes.

11           MR. HANSEN: On Count 1, since it's a zero to 20, the  
12 minimum term of supervised release in 21-841 is three years, as  
13 reflected in the petition and the plea agreement.

14           THE COURT: Okay. So do you agree with that,  
15 Mr. Ferretti?

16           MR. FERRETTI: Yes, sir.

17           THE COURT: So the supervised release term is not  
18 less than three years and up to life in addition to any term of  
19 imprisonment.

20           Thank you, Mr. Hansen.

21           With regard to Count 7, there is an imprisonment of a  
22 maximum of life and a mandatory minimum of five years, and that  
23 five years has to run consecutive to the sentence imposed with  
24 regard to Count 1, in other words, it has to be five years in  
25 addition to the sentence imposed in Count 1; a fine of not more

1 than \$250,000 or both such imprisonment and a fine; and a  
2 supervised release term of up to five years in addition to any  
3 term of imprisonment. There's also a special assessment of  
4 \$100 with regard to Count 7, so when you take the two counts  
5 together, it's a total of \$200.

6 Conviction for both counts may render you ineligible for  
7 certain federal benefits, and in cases where restitution or  
8 forfeiture of property may be authorized or agreed upon, the  
9 Court may issue payment of restitution or an order of  
10 forfeiture.

11 Mr. Ferretti, have I properly set forth the statutory  
12 penalties?

13 MR. FERRETTI: Yes, Your Honor.

14 THE COURT: Mr. Hansen, do you agree?

15 MR. HANSEN: Yes, Your Honor.

16 THE COURT: Mr. Holdman, do you have any questions  
17 about the statutory penalties that you're now facing?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: The United States Sentencing Commission  
20 has issued guidelines that determine recommended sentencing  
21 ranges for convicted federal offenders. Have you spoken to  
22 your attorney about the sentencing guidelines and how they  
23 might apply to your case?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: These guidelines are not mandatory, but

1       they are advisory. In other words, they must be considered,  
2       but they do not have to be followed, and you may be sentenced  
3       outside of that advisory guideline range. Do you understand?

4                   THE DEFENDANT: Yes, Your Honor.

5                   THE COURT: Do you understand that the advisory  
6       guideline sentencing range will not be determined until after a  
7       presentence investigation report has been completed and fully  
8       considered by the Court?

9                   THE DEFENDANT: Yes, Your Honor.

10                  THE COURT: Some state penal systems do allow parole,  
11       which means release from prison before a person has served all  
12       of the sentence imposed. However, you are in a court of the  
13       United States, a federal court, and in the federal system  
14       parole has been abolished. Do you understand that concerning  
15       any sentence to imprisonment under federal law, parole does not  
16       exist and, therefore, if you are sentenced to imprisonment, you  
17       will not be released on parole?

18                  THE DEFENDANT: Yes, Your Honor.

19                  THE COURT: In addition to any sentence of  
20       imprisonment, the Court must include a term of supervised  
21       release to be completed after you serve any sentence of  
22       imprisonment. During this term you will be supervised by a  
23       probation officer and you must comply with certain conditions.  
24       Do you understand generally what is meant by supervised  
25       release?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Do you understand that if you violate a  
3 condition of supervised release, it may be revoked, and you may  
4 be returned to prison and required to serve in prison all --  
5 all or a part of that term without credit for any time that you  
6 have been under supervision?

7 THE DEFENDANT: Yes, Your Honor.

10 THE DEFENDANT: No, Your Honor.

17 THE DEFENDANT: Yes, Your Honor.

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Sir, do you think you understand all the  
25 penalties that you now face under the law?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: You have entered into a written Plea  
3 Agreement with the government. Pursuant to the terms of that  
4 written Plea Agreement, you waived your right to withdraw your  
5 guilty plea under Federal Rule of Criminal Procedure 11(d).  
6 Under this provision normally you can withdraw your guilty plea  
7 before it is accepted for any reason or no reason at all or  
8 after the -- it is accepted for a just and fair reason. Do you  
9 understand that you're waiving that right?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: You also have an agreement pursuant to  
12 Federal Rule of Criminal Procedure 11(c)(1)(C). Under this  
13 provision you and the government have agreed to a specific  
14 sentence to be imposed in this case. If the Court accepts that  
15 Plea Agreement, you would not have a right to withdraw your  
16 guilty plea. Do you understand?

17 THE DEFENDANT: Yes, Your Honor.

25 THE DEFENDANT: Yes, Your Honor.

1                   THE COURT: Concerning your Petition to Enter a Plea  
2 of Guilty, do you read, write and understand the English  
3 language?

4                   THE DEFENDANT: Yes, Your Honor.

5                   THE COURT: Did you read the petition and voluntarily  
6 sign it?

7                   THE DEFENDANT: Yes, Your Honor.

8                   THE COURT: Did you do so after consulting with  
9 Mr. Hansen and making sure that all your answers were properly  
10 recorded to the questions in the petition?

11                  THE DEFENDANT: Yes, Your Honor.

12                  THE COURT: Are all the answers to the questions in  
13 the petition voluntarily given by you?

14                  THE DEFENDANT: Yes, Your Honor.

15                  THE COURT: And are all -- are all of your answers  
16 truthful?

17                  THE DEFENDANT: Yes, Your Honor.

18                  THE COURT: Do you have any questions about anything  
19 in the petition?

20                  THE DEFENDANT: No, Your Honor.

21                  THE COURT: Concerning the plea agreement, did you  
22 read and sign the plea agreement after fully discussing it with  
23 Mr. Hansen?

24                  THE DEFENDANT: Yes, Your Honor.

25                  THE COURT: Please listen carefully. Mr. Ferretti,

1 the government's attorney, is now going to summarize the terms  
2 of the Plea Agreement.

3 Mr. Ferretti.

4 MR. FERRETTI: Thank you, Your Honor.

5 The United States and Mr. Holdman, the defendant, agree  
6 that he will plead guilty to Counts 1 and 7 of the indictment  
7 and agree to the relevant conduct with respect to Counts 2  
8 through 6. Count 1 charges a violation of Title 21, United  
9 States Code, Section 846. Count 7 charges a violation of  
10 Title 18, United States Code, Section 924(c)(1)(A).

11 Mr. Holdman would further admit paragraphs 4(a) through  
12 (e) and 4(g) of the forfeiture allegation and agree that the  
13 specific property described in those paragraphs is subject to  
14 criminal forfeiture. Mr. Holdman further agrees to  
15 administratively forfeit to the Drug Enforcement Administration  
16 the Ruger EC95 9-millimeter handgun seized on or about  
17 June 21st, 2021, as described in paragraph 4(f) of the  
18 forfeiture allegation. Mr. Holdman agrees that he is the sole  
19 and rightful owner of the specific property identified in  
20 paragraph 4(f) of the forfeiture allegation and that to the  
21 best of his knowledge no one else has any ownership or other  
22 interest in that property.

23 Mr. Holdman agrees that the United States may institute  
24 civil judicial or administrative forfeiture proceedings against  
25 all forfeitable assets in which he has an interest and that he

1 will not contest any such forfeiture.

2 In exchange for his plea of -- pleas of guilty to Counts 1  
3 and 7, the United States agrees that it will move to dismiss  
4 Counts 2 through 6 as well as 8 and paragraph 4(h) of the  
5 forfeiture allegation at the time of sentencing. The United  
6 States agrees that Mr. Holdman will not be further federally  
7 prosecuted in the District of Nebraska for additional drug  
8 trafficking or firearms crimes as disclosed by the discovery  
9 material that's been provided to Mr. Hansen already.

10 The parties agree to the factual basis that's set forth in  
11 the written Plea Agreement starting on page 3 in Section II(B)  
12 and that goes on for ten paragraphs, ending on page 6.

13 Regarding sentencing, as the Court noted already, the  
14 agreement in this case is made pursuant to Federal Rule of  
15 Criminal Procedure 11(c)(1)(C), and the parties agree that  
16 Mr. Holdman shall receive a sentence to imprisonment not to  
17 exceed 24 months as to Count 1, to be followed by a consecutive  
18 60-month sentence to imprisonment as to Count 7. The parties  
19 agree that this negotiated agreement resolved all issues  
20 related to the case.

21 Mr. Holdman does agree to waive appeal and collateral  
22 attack except in the limited circumstances set forth in  
23 Section VI of the Plea Agreement.

24 And those are the -- that's all the pertinent paragraphs  
25 for that purpose, Your Honor.

1 THE COURT: Mr. Hansen, are those the terms of the  
2 Plea Agreement between your client and the government?

3 MR. HANSEN: Yes, Your Honor.

4 THE COURT: And does this written Plea Agreement  
5 contain all the terms of the entire plea agreement between your  
6 client and the government?

7 MR. HANSEN: Yes, Your Honor.

10 THE DEFENDANT: Yes, Your Honor.

14 THE DEFENDANT: Yes, Your Honor.

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: You are also waiving, giving up the right  
22 to file any post-conviction proceedings, again, except in  
23 certain circumstances as set forth in the Plea Agreement. Do  
24 you understand that you're also giving up that right?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Mr. Hansen, did you fully and accurately  
2 discuss all plea offers made by the government to your client  
3 with him?

4 MR. HANSEN: Yes, Your Honor.

5 THE COURT: Mr. Holdman, did you have a full  
6 opportunity to consider any and all plea offers made by the  
7 government to you in this case?

8 THE DEFENDANT: Yes, Your Honor.

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Did anyone make any other promises to you  
13 or threaten to get you to sign the Plea Agreement other than  
14 those pro- -- those agreements or provisions in the Plea  
15 Agreement itself?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: And do you have any questions about your  
18 plea agreement?

19 THE DEFENDANT: No, Your Honor.

20 THE COURT: You do have certain constitutional rights  
21 which you give up when you plead guilty. Please listen  
22 carefully, because I will be asking you whether you understand  
23 that you have each of these rights and whether you voluntarily  
24 give up these rights.

25 You have the right to plead not guilty to any offense

1 charged against you and to go to trial on any charge filed  
2 against you in this case.

3 You have the right to a speedy and public trial.

4 You have the right to assistance of an attorney without  
5 cost to you if you cannot afford an attorney.

6 You have the right to a trial and to have a jury determine  
7 whether the government has proved beyond a reasonable doubt  
8 each and every element of the charged offense.

9 You have the right to see and hear all witnesses and  
10 cross-examine any person who is a witness against you.

11 You have the right to decline to testify at your trial so  
12 that you cannot be compelled to incriminate yourself.

13 You have the right to testify in your own defense if you  
14 want to testify at your trial, and you have the right to  
15 subpoena or present witnesses or other evidence to assist you  
16 at your trial. Deciding not to testify or to put on any  
17 evidence cannot be used against you.

18 Do you understand that under the Constitution of the  
19 United States, you have and can use all of these rights?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Do you understand that if your guilty  
22 plea is accepted, there will not be a trial on the charges  
23 filed against you because when you plead guilty you give up  
24 your right to a trial?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: If your guilty plea is accepted, you give  
2 up the right to challenge the manner in which the government  
3 obtained its evidence against you, for example, the manner in  
4 which you were questioned or the manner in which you, your  
5 home, or your property were searched. Do you understand?

6 THE DEFENDANT: Yes, Your Honor.

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: Have you discussed your constitutional  
14 rights with Mr. Hansen?

15 THE DEFENDANT: Yes, Your Honor.

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: There is an additional allegation in the  
21 indictment that relates to property or currency taking -- taken  
22 from you at or about the time of your arrest on June 21st,  
23 2022. In your written Plea Agreement, you've -- you agree to  
24 admit to the paragraphs 4(a) through (e) and 4(g), and you've  
25 also agreed to the administrative forfeiture of the Ruger EC95

1       9-millimeter handgun as described in paragraph 4(f) of the  
2       forfeiture allegation.

3           For the government to keep this property or currency, the  
4       government would have to prove that this property or currency  
5       either directly or indirectly had something to do with the  
6       crime outlined in the indictment -- the crimes outlined in the  
7       indictment or you either used the property to commit the crime  
8       or property -- or that the property was purchased in whole or  
9       in part from the crimes as alleged or that the currency was  
10      proceeds from the crime. Do you understand these prerequisites  
11      to the government being able to obtain forfeiture of any  
12      property or currency as alleged?

13           THE DEFENDANT: Yes, Your Honor.

14           THE COURT: And are you willing to give up any right  
15      or interest in the property or currency as set forth in  
16      paragraphs 4(a) through (e), 4(f), and 4(g) of the forfeiture  
17      allegation?

18           THE DEFENDANT: Yes, Your Honor.

19           THE COURT: And do you agree that the property that's  
20      alleged in that forfeiture -- those forfeiture counts was used  
21      one way or another with respect to the crimes or with proceeds  
22      from the crime as charged in Counts 1 and 7 of the indictment?

23           THE DEFENDANT: Yes, Your Honor.

24           THE COURT: After consideration of the responses of  
25      the defendant in this case to all the questions that I've

1       asked, I now find he is competent to plead. He understands the  
2       nature of the charges filed against him in Counts 1 and 7 and  
3       the possible penalties that may be imposed. He understands his  
4       rights. He willingly, voluntarily and knowingly waives those  
5       rights, and he fully understands the consequences of waiving  
6       those rights, including the fact that there will be no trial on  
7       this case because he is pleading guilty.

8               I therefore accept the defendant's waiver of his rights.

9               Jamal D. Holdman, knowing and understanding everything in  
10       your Petition to Enter a Plea of Guilty, your written Plea  
11       Agreement, and everything that we've discussed during this  
12       hearing, how do you now plead to the charges set forth in  
13       Counts 1 and 7 of the indictment?

14               THE DEFENDANT: I plead guilty.

15               THE COURT: To get you to plead guilty to those  
16       charges, has anyone connected with law enforcement or anyone  
17       else threatened you, directly or indirectly, used any force  
18       against you, or promised you any -- promised you anything other  
19       than what's contained in your written Plea Agreement?

20               THE DEFENDANT: No, Your Honor.

21               THE COURT: Are you freely and voluntarily pleading  
22       guilty to the crimes charged in Counts 1 and 7 of the  
23       indictment?

24               THE DEFENDANT: Yes, Your Honor.

25               THE COURT: And are you, in fact, guilty of those

1 offenses as charged?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: In your written Plea Agreement with the  
4 government, you did stipulate to a factual basis. That factual  
5 basis is set forth on pages 3 through 6 of the Plea Agreement  
6 and paragraphs section -- and paragraphs II(B) and paragraphs  
7 then 1 through 10. Sir, did you go over all of those facts in  
8 the Plea Agreement and agree to them?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: And have you stipulated in your written  
11 Plea Agreement that all of those facts are true?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Do you agree that all the facts as set  
14 forth in the plea agreement as I've just identified are true  
15 and accurate?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And do you agree that the government  
18 would be able to prove all those facts at -- at trial?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: And is that what happened in this case?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And the stipulation to these facts is  
23 both knowingly and voluntarily made by you?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Mr. Ferretti, is that satisfactory to the

1 government with regard to a factual basis?

2 MR. FERRETTI: It is by -- it is by me, Your Honor.

3 I'm fine with that.

4 THE COURT: And do you certify that the defendant's  
5 guilty plea is freely, voluntarily, knowingly, and  
6 intelligently made and that there is a factual basis for his  
7 guilty plea?

8 MR. FERRETTI: Yes, Your Honor.

9 THE COURT: Do you believe there's any questions that  
10 should be posed to Mr. Holdman?

11 THE DEFENDANT: No.

12 THE COURT: Mr. Hansen, does that satisfy you with  
13 regard to a factual basis concerning Counts 1 and 7?

14 MR. HANSEN: Yes, Your Honor.

15 THE COURT: And do you certify that your client's  
16 guilty plea is freely, voluntarily, knowingly, and  
17 intelligently made and that there is a factual basis for his  
18 guilty plea to Counts 1 and 7?

19 MR. HANSEN: Yes, Your Honor.

20 THE COURT: Any questions that you believe should be  
21 posed to him?

22 MR. HANSEN: No, Your Honor.

23 THE COURT: The Court now finds that the defendant's  
24 competent and capable of entering an informed plea to the  
25 charge against him. The defendant's aware of the nature of the

1 charges set forth in Counts 1 and 7 of the indictment and the  
2 consequences of his guilty plea. His guilty plea is knowing  
3 and voluntary and supported by a factual basis concerning each  
4 essential element of the offenses charged.

5 For the record, I went through the parties' stipulated  
6 factual basis as set forth in the Plea Agreement and identified  
7 by me, and the stipulated facts in this case do support a  
8 factual basis concerning the defendant's guilty plea for each  
9 of the counts.

10 Finally, the defendant is aware that his answers during  
11 these proceedings may be used against him if there's later a  
12 charge of perjury or false statement.

13 Mr. Holdman, I will recommend that your guilty plea be  
14 accepted, and I will order that a presentence investigation  
15 report be prepared. The presentence process may include an  
16 interview so that you can provide all information useful in  
17 determining your sentence. It's also helpful with regard to  
18 classification, programming and supervision matters. Your  
19 level of cooperation and participation is important and should  
20 be discussed with Mr. Hansen.

21 Any determination concerning the plea agreement, that is,  
22 whether to accept or reject the plea agreement, will be  
23 deferred until after the Court has examined the presentence  
24 investigation report and the case proceeds to sentencing.

25 With regard to detention or release pending sentencing in

1       this matter, I note that the defendant was released on an order  
2       setting conditions of release in this case, and in addition  
3       there has been a -- a release status report to the Court which  
4       indicates that the defendant was released on bond initially in  
5       the district -- Central District of California on or about  
6       June 22nd, 2021. He also appeared here in person in this  
7       district on July 16th, 2021.

8               At the conclusion of both appearances, he was allowed to  
9       continue on release. He has been supervised by courtesy  
10      supervision of the Central District of California since that  
11      time, and it is reported that the defendant's been in  
12      compliance with his -- of -- with his conditions of police --  
13      excuse me, has been compliant with his conditions of release  
14      and reports as directed. He's also maintained employment.

15              Is the government seeking detention pending sentencing in  
16       this matter?

17              MR. FERRETTI: No.

18              THE COURT: Mr. Holdman, because you have been  
19      compliant with the conditions of pretrial release and the  
20      government does not seek detention in this case, I will  
21      continue to allow you to be on release, but you will have to  
22      continue to abide by the same conditions of release that were  
23      previously imposed. Do you understand that?

24              THE DEFENDANT: Yes, Your Honor.

25              THE COURT: Do you agree to do that?

1                   THE DEFENDANT: Yes, Your Honor.

2                   THE COURT: And do you understand that if you violate  
3 any conditions of release, your release status will change,  
4 you'll be revoked, and you'd be placed in custody pending  
5 sentencing in this matter? Do you understand?

6                   THE DEFENDANT: Yes, Your Honor.

7                   THE COURT: Any questions at all about your release  
8 conditions?

9                   THE DEFENDANT: No, Your Honor.

10                  THE COURT: I will enter an order on sentencing --  
11 sentencing schedule at the conclusion of today's hearing. The  
12 sentencing hearing will be scheduled before District Judge  
13 Buescher to take place on March 1st, 2023, at ten o'clock here  
14 in Omaha. You will have to personally appear for that hearing  
15 unless otherwise ordered.

16                  Do you understand, Mr. Holdman?

17                  THE DEFENDANT: Yes, Your Honor.

18                  THE COURT: Defendant will remain on release as  
19 previously ordered by this case.

20                  Is there anything else from the government?

21                  MR. FERRETTI: No. Thank you, Your Honor.

22                  THE COURT: Anything else for the defendant?

23                  MR. HANSEN: No, Your Honor.

24                  THE COURT: Mr. Holdman, good luck.

25                  We're in recess.

1 THE DEFENDANT: Thank you.

2 THE COURT: We're in recess. Parties are excused.

3 (Adjourned at 11:24 a.m.)

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9 I, Lisa G. Grimminger, certify that the foregoing is a  
10 correct transcription to the best of my ability from the  
11 digital recording of the proceedings held in the above-entitled  
12 matter.

13

14 /s/Lisa G. Grimminger

15 Lisa G. Grimminger, RDR, CRR, CRC

December 19, 2022

Date

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